of Infectious Microorganisms,'' FDA, July 6, 1993.

5. The Center for Biologics Evaluation and Research, FDA, ''Points to Consider in the Manufacture and Clinical Evaluation of In Vitro Tests to Detect Antibodies to the Human Immunodeficiency Virus, Type I'' (54 FR 48943, November 28, 1989).

(3) Class III (premarket approval), when:

(i) The analyte is intended as a component in a test intended for use in the diagnosis of a contagious condition that is highly likely to result in a fatal outcome and prompt, accurate diagnosis offers the opportunity to mitigate the public health impact of the condition (e.g., human immunodeficiency virus (HIV/AIDS)or tuberculosis (TB)); or

(ii) The analyte is intended as a component in a test intended for use in donor screening for conditions for which FDA has recommended or required testing in order to safeguard the blood supply or establish the safe use of blood and blood products (e.g., tests for hepatitis or tests for identifying blood groups).

(c) *Date of 510(k), or date of PMA or notice of completion of a product development protocol is required.* (1) Preamendments ASR's; No effective date has been established for the requirement for premarket approval for the device described in paragraph (b)(3) of this section. See §864.3.

(2) For postamendments ASR's; November 23, 1998.

(d) *Restrictions.* Restrictions on the sale, distribution and use of ASR's are set forth in §809.30 of this chapter.

[62 FR 62260, Nov. 21, 1997]

EFFECTIVE DATE NOTE: At 62 FR 62260, Nov. 21, 1997, §864.4020 was added to subpart E, effective Nov. 23, 1998.

§864.4400 Enzyme preparations.

(a) *Identification.* Enzyme preparations are products that are used in the histopathology laboratory for the following purposes:

(1) To disaggregate tissues and cells already in established cultures for preparation into subsequent cultures (e.g., trypsin);

(2) To disaggregate fluid specimens for cytological examination (e.g., papain for gastric lavage or trypsin for sputum liquefaction);

(3) To aid in the selective staining of tissue specimens (e.g., diastase for glycogen determination).

(b) *Classification.* Class I. These devices are exempt from the premarket notification procedures in subpart E of part 807 of this chapter.

[45 FR 60592, Sept. 12, 1980, as amended at 54 FR 25045, June 12, 1989]

Subpart F—Automated and Semi-Automated Hematology Devices

§864.5200 Automated cell counter.

(a) *Identification.* An automated cell counter is a fully-automated or semi-automated device used to count red blood cells, white blood cells, or blood platelets using a sample of the patient's peripheral blood (blood circulating in one of the body's extremities, such as the arm). These devices may also measure hemoglobin or hematocrit and may also calculate or measure one or more of the red cell indices (the erythrocyte mean corpuscular volume, the mean corpuscular hemoglobin, or the mean corpuscular hemoglobin concentration). These devices may use either an electronic particle counting method or an optical counting method.

(b) *Classification.* Class II (performance standards).

[45 FR 60593, Sept. 12, 1980]

§864.5220 Automated differential cell counter.

(a) *Identification.* An automated differential cell counter is a device used to identify and classify one or more of the formed elements of the blood.

(b) *Classification.* (1) Class II (performance standards) when the device is intended to flag or identify specimens containing abnormal blood cells.

(2) Class III (premarket approval) when the device is intended for other uses, including to count or classify abnormal cells of the blood.

(c) *Date PMA or notice of completion of a PDP is required.* No effective date has been established of the requirement for premarket approval for the device

identified in paragraph (b)(2) of this section. See § 864.3.

[45 FR 60596, Sept. 12, 1980, as amended at 55 FR 23511, June 8, 1990]

§ 864.5240 Automated blood cell diluting apparatus.

(a) *Identification.* An automated blood cell diluting apparatus is a fully automated or semi-automated device used to make appropriate dilutions of a blood sample for further testing.

(b) *Classification.* Class I (general controls).

[45 FR 60596, Sept. 12, 1980]

§ 864.5260 Automated cell-locating device.

(a) *Identification.* An automated cell-locating device is a device used to locate blood cells on a peripheral blood smear, allowing the operator to identify and classify each cell according to type. (Peripheral blood is blood circulating in one of the body's extremities, such as the arm.)

(b) *Classification.* Class II (performance standards).

[45 FR 60597, Sept. 12, 1980]

§ 864.5300 Red cell indices device.

(a) *Identification.* A red cell indices device, usually part of a larger system, calculates or directly measures the erythrocyte mean corpuscular volume (MCV), the mean corpuscular hemoglobin (MCH), and the mean corpuscular hemoglobin concentration (MCHC). The red cell indices are used for the differential diagnosis of anemias.

(b) *Classification.* Class II (performance standards).

[45 FR 60597, Sept. 12, 1980]

§ 864.5350 Microsedimentation centrifuge.

(a) *Identification.* A microsedimentation centrifuge is a device used to sediment red cells for the microsedimentation rate test.

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter.

[45 FR 60598, Sept. 12, 1980, as amended at 59 FR 63007, Dec. 7, 1994]

§ 864.5400 Coagulation instrument.

(a) *Identification.* A coagulation instrument is an automated or semiautomated device used to determine the onset of clot formation for in vitro coagulation studies.

(b) *Classification.* Class II (performance standards).

[45 FR 60598, Sept. 12, 1980]

§ 864.5425 Multipurpose system for in vitro coagulation studies.

(a) *Identification.* A multipurpose system for in vitro coagulation studies is a device consisting of one automated or semiautomated instrument and its associated reagents and controls. The system is used to perform a series of coagulation studies and coagulation factor assays.

(b) *Classification.* Class II (performance standards).

[45 FR 60599, Sept. 12, 1980]

§ 864.5600 Automated hematocrit instrument.

(a) *Identification.* An automated hematocrit instrument is a fully automated or semi-automated device which may or may not be part of a larger system. This device measures the packed red cell volume of a blood sample to distinguish normal from abnormal states, such as anemia and erythrocytosis (an increase in the number of red cells).

(b) *Classification.* Class II (performance standards).

[45 FR 60600, Sept. 12, 1980]

§ 864.5620 Automated hemoglobin system.

(a) *Identification.* An automated hemoglobin system is a fully automated or semi-automated device which may or may not be part of a larger system. The generic type of device consists of the reagents, calibrators, controls, and instrumentation used to determine the hemoglobin content of human blood.

(b) *Classification.* Class II (performance standards).

[45 FR 60601, Sept. 12, 1980]